

REMARKS

Upon receipt of this response, the Examiner is respectfully requested to contact the undersigned representative of the Applicant to arrange a telephone interview concerning the inventive merits of this application.

The Applicant acknowledges that claims 9-11 are withdrawn from further consideration.

Claims 7-8 and 12-24 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for the reasons noted in the official action. Rejected claim 7 is accordingly amended, by the above claim amendments, while the remaining rejected claims are canceled, without prejudice, from this application. All of the presently pending claims, including newly entered claims 25-32, are now believed to particularly point out and distinctly claim the subject matter regarded as the invention, thereby overcoming all of the raised § 112, second paragraph, rejections.

Next, claims 7, 12-15 and 19-24 are rejected, under 35 U.S.C. § 103(a), as being unpatentable over DiVita '080 in view of Boniort '137. The Applicant acknowledges and respectfully traverses the raised obviousness rejection in view of the following remarks.

With respect to the DiVita '080 reference, the Applicant agrees with the Examiner that the DiVita '080 reference does not contain any disclosure of residual heat or any defect creation. However, in order to overcome this deficiency in the base reference, the Examiner maintains that one would reasonably expect the same result that Applicant got. The Applicant respectfully disagrees with the Examiner's allegation concerning the DiVita '080 base reference.

In particular, the Applicant notes that the present invention is directed at purposefully causing or creating multiple structural defects in the silica glass fiber by using UV radiation. It is respectfully submitted that the wave length of the UV light will dictate whether or not structural defects occur in the silica glass fiber. For example, as the Examiner will appreciate, if an ineffective wave length is provided to the silica glass fiber, it is possible that no structural defects will occur at all in the silica glass fiber. In addition, the amount of heat is important to adequately remove the structural defects which were created in the silica glass fiber. For example, as the Examiner will appreciate, if an insufficient amount of heat is provided to the

silica glass fiber, it is possible that none of the structural defects will be removed therefrom while if excessive heat is applied to the silica glass fiber further defects may occur in the silica glass fiber. The intent and purpose of the present invention is to specifically create multiple structural defects in the silica glass fiber in order to improve the resistance of the silica glass fiber to ultraviolet radiation. None of the prior art of record in this case is believed, in any way, to be directed at the presently claimed invention.

The DiVita '080 reference is completely silent with respect to heating the silica glass fiber to improve the resistance of the silica glass fiber to ultraviolet radiation let alone removing multiple created structural defects in the silica glass fiber by heating the same. In order to further distinguish the present invention from the applied art, all of the pending claims are amended to specifically require that the silica glass fiber is heated in order to remove the structural defects created therein.

With respect to Boniort '137, it is noted that this reference is cited merely for the proposition that one can place the process close to the draw furnace and thus use the fiber at an elevated temperature. While this may, in fact, be accurate, it is respectfully submitted that this reference fails to in any way teach, suggest or disclose the above noted distinguishing features. As such, the applied combination of DiVita '080 and Boniort '137 fails to render obvious the presently claimed invention and the raised rejection should be withdrawn at this time.

In order to emphasize the above noted distinctions between the presently claimed invention and the applied art, each one of the independent claims of this application now recites the features of "spinning a silica glass fiber from a base material; irradiating the silica glass fiber with ultraviolet radiation to purposefully cause multiple structural defects in the silica glass fiber.....; and improving a resistance of the silica glass fiber to ultraviolet radiation by heating the silica glass fiber to remove the multiple structural defects caused by the irradiating step." (Emphasis added.) Such newly claimed features are believed to clearly and patentably distinguish the presently claimed invention from all of the art of record, including the applied art.

Newly entered claims 25 and 26 recite similar limitation to claim 7 and are believed to be allowable for at least the same reasons. Claim 26 recites additional limitations concerning

the wave length and intensity of the UV light and the heating temperature. Dependent claims 27-32 recite additional limitations which further distinguish the present invention from the applied art.

Claims 8 and 24 are rejected, under 35 U.S.C. § 103(a), as being unpatentable over DiVita `080 in view of Boniort `137 as applied to claim 7 and 12, and further in view of Daniylchev `640 and Harding `840. The Applicant acknowledges and respectfully traverses the raised obviousness rejection in view of the following remarks.

In view of the above claim cancellations, the Applicant respectfully submits that further comments concerning the applied prior art with respect to claims 8 and 24 is not believed necessary. The Applicant also notes the remaining prior art cited in the official action. As none of that additional art is applied by the Examiner against the claims of this application, the Applicant is not providing any comments concerning that art either.

If any further amendment to this application is believed necessary to advance prosecution and place this case in allowable form, the Examiner is courteously solicited to contact the undersigned representative of the Applicant to discuss the same.

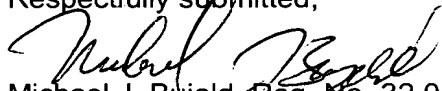
In view of the above amendments and remarks, it is respectfully submitted that all of the raised rejection(s) should be withdrawn at this time. If the Examiner disagrees with the Applicant's view concerning the withdrawal of the outstanding rejection(s) or applicability of the DiVita `080, Boniort `137, Daniylchev `640 and Harding `840 references, the Applicant respectfully requests the Examiner to indicate the specific passage or passages, or the drawing or drawings, which contain the necessary teaching, suggestion and/or disclosure required by case law. As such teaching, suggestion and/or disclosure is not present in the applied references, the raised rejection should be withdrawn at this time. Alternatively, if the Examiner is relying on his/her expertise in this field, the Applicant respectfully requests the Examiner to enter an affidavit substantiating the Examiner's position so that suitable contradictory evidence can be entered in this case by the Applicant.

In view of the foregoing, it is respectfully submitted that the raised rejection(s) should be withdrawn and this application is now placed in a condition for allowance. Action to that end, in the form of an early Notice of Allowance, is courteously solicited by the Applicant at this time.

The Applicant respectfully requests that any outstanding objection(s) or requirement(s), as to the form of this application, be held in abeyance until allowable subject matter is indicated for this case.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,



Michael J. Bujold, Reg. No. 32,018

Customer No. 020210

Davis & Bujold, P.L.L.C.

Fourth Floor

500 North Commercial Street

Manchester NH 03101-1151

Telephone 603-624-9220

Facsimile 603-624-9229

E-mail: patent@davisandbujold.com

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service, with sufficient postage, as First Class Mail in an envelope addressed to: Director of the United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. June 1, 2004.

By: 

Print Name: Michael J. Bujold